

BATHAE DUNNE LLP
Yavar Bathae (CA 282388)
yavar@bathaeedunne.com
Andrew C. Wolinsky (CA 345965)
awolinsky@bathaeedunne.com
445 Park Avenue, 9th Floor
New York, NY 10022
(332) 322-8835

Brian J. Dunne (CA 275689)
bdunne@bathaeedunne.com
Edward M. Grauman (*pro hac vice*)
egrauman@bathaeedunne.com
901 S. MoPac Expressway
Barton Oaks Plaza I, Suite 300
Austin, TX 78746
(213) 462-2772

*Interim Co-Lead Counsel for the
Advertiser Classes*

SCOTT+SCOTT ATTORNEYS AT LAW LLP
Amanda F. Lawrence (*pro hac vice*)
alawrence@scott-scott.com
Patrick J. McGahan (*pro hac vice*)
pmcgahan@scott-scott.com
Michael P. Srodoski (*pro hac vice*)
msrodoski@scott-scott.com
156 South Main Street, P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537

Patrick J. Coughlin (CA 111070)
pcoughlin@scott-scott.com
Carmen A. Medici (CA 248417)
cmedici@scott-scott.com
Hal D. Cunningham (CA 243048)
hcunningham@scott-scott.com
Daniel J. Brockwell (CA 335983)
dbrockwell@scott-scott.com
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel.: (619) 233-4565

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:20-cv-08570-JD

Hon. James Donato

**DECLARATION OF BRIAN J. DUNNE
IN SUPPORT OF ADVERTISER
PLAINTIFFS' MOTION TO EXCLUDE
OPINION TESTIMONY OF DR.
GEORGIOS ZERVAS**

1 I, Brian J. Dunne, declare and state as follows:

2 1. I am an attorney licensed in the State of California and admitted to the United States
3 District Court for the Northern District of California. I am a partner at Bathaee Dunne LLP, counsel for
4 the Advertiser Plaintiffs in the above-captioned matter. I have personal knowledge of the facts set forth
5 herein and, if called as a witness, could and would testify competently to them.

6 2. This declaration is made in support of Advertiser Plaintiffs' Motion to Exclude Opinion
7 Testimony of Dr. Georgios Zervas.

8 3. Attached as **Exhibit 1** is a true and correct copy of the Expert Merits Report of Markus
9 Jakobsson, Ph.D., dated January 12, 2024.

10 4. Attached as **Exhibit 2** is a true and correct copy of the Expert Merits Report of Tilman
11 Klumpp, Ph.D., dated January 12, 2024.

12 5. Attached as **Exhibit 3** is a true and correct copy of the Expert Merits Rebuttal Report of
13 Markus Jakobsson, Ph.D., dated February 9, 2024.

14 6. Attached as **Exhibit 4** is a true and correct copy of the Expert Merits Report of Tilman
15 Klumpp, Ph.D., dated February 9, 2024.

16 7. Attached as **Exhibit 5** is a true and correct copy of a document produced by Meta in this
17 litigation, which was marked as PX 2255 at the deposition of Mark Zuckerberg.

18 8. Attached as **Exhibit 6** is a true and correct copy of a document produced by Meta in this
19 litigation, which was marked as PX 414 at the deposition of Javier Olivan.

20 9. Attached as **Exhibit 7** is a true and correct copy of a document produced by Meta in this
21 litigation, which was marked as PX 2256 at the deposition of Mark Zuckerberg.

22 10. Attached as **Exhibit 8** is a true and correct copy of the Advertiser Merits Rebuttal Report
23 of Georgios Zervas, Ph.D., dated February 9, 2024.

24 11. Attached as **Exhibit 9** is a true and correct copy of excerpts from the certified transcript
25 of the March 19, 2024 deposition of Georgios Zervas.

26 12. Attached as **Exhibit 10** is a true and correct copy of a document produced by Meta in
27 this litigation, which was marked as PX 26 at the deposition of Keval Patel.

28

13. Attached as **Exhibit 11** is a true and correct copy of a document produced by Meta in this litigation, which was marked as PX 2868 at the deposition of Nimrod Priell.

14. Attached as **Exhibit 12** is a true and correct copy of a document produced by Meta in this litigation, which was marked as PX 2985 at the deposition of Georgios Zervas.

15. Attached as **Exhibit 13** is a true and correct copy of a document produced by Meta in this litigation, which was marked as PX 2984 at the deposition of Georgios Zervas.

16. Attached as **Exhibit 14** is a true and correct copy of a document produced by Meta in this litigation, which was marked as PX 2863 at the deposition of Nimrod Priell.

17. Lodged natively with the Court, with a notice of manual filing, as **Exhibit 15** is a true and correct copy of an Excel spreadsheet produced by Meta in this litigation under the file name “MS Pipeline 2020 BACKUP 05152020.xlsx,” bearing Bates Number PALM-016175119, which was marked as PX 20 at the deposition of Keval Patel.

18. Attached as **Exhibit 16** is a true and correct copy of a document produced by Meta in this litigation, which was marked as PX 2989 at the deposition of Georgios Zervas.

19. Attached as **Exhibit 17** is a true and correct copy of the sworn Declaration of Shalev Hudio in Support of Defendants' Motion to Dismiss Under Rules 12(b)(1), 12(b)(2), 12(b)(6), and 12(b)(7), filed in the case *WhatsApp, Inc. v. NSO Group Technologies Limited*, No. 4:19-cv-07123-PJH (N.D. Cal.), as Document 45-11, dated April 2, 2020.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5, 2024, in Austin, Texas.

/s/ Brian J. Dunne
Brian J. Dunne